

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

AGORA, INC. )  
14 W. Mount Vernon Place )  
Baltimore, MD 21201 )  
 )  
Plaintiff, )  
 ) C.A. No.  
v. )  
 )  
VELD'T LLC d/b/a AGORA COMMODITIES )  
109 E. 17 Street Suite 4388 )  
Cheyenne, WY 82001 )  
 )  
Defendant. )

**COMPLAINT FOR TRADEMARK INFRINGEMENT  
AND UNFAIR COMPETITION**

Plaintiff Agora, Inc. ("Agora"), by its undersigned counsel, brings this action seeking preliminary and permanent injunctions and damages for trademark infringement and unfair competition arising from defendant's use of the mark AGORA in connection with financial services and related online publications.

**PARTIES**

1. Agora is a Maryland corporation with its principal office and place of business at 14 W. Mt. Vernon Place, Baltimore, MD 21201. Agora is the parent of Agora Financial, LLC.
2. Defendant Veldt LLC d/b/a Agora Commodities ("Veldt") is a limited liability company organized and existing under the laws of the State of Delaware. Among other activities, Veldt regularly conducts the business of providing precious metal storage services in Delaware.

**JURISDICTION AND VENUE**

3. This is an action for trademark infringement and unfair competition, brought under 15 U.S.C. §§ 1114(1) and 1125(a).

4. Jurisdiction is based on 28 U.S. C. §§ 1331 and 1338(a) because the matter in controversy involves a federal question, 15 U.S.C. § 1121.

5. Personal jurisdiction is proper in this District as Defendant is a Delaware limited liability company that regularly conducts business in this District.

6. Venue is proper in this District as Defendant is a Delaware limited liability company a substantial part of its business in this District.

**BACKGROUND**

7. Agora restates and incorporates by reference as if fully set forth the allegations of paragraphs 1 through 6, inclusive.

8. Agora is one of the largest consumer newsletter publishers in the world. It began its operations in 1979 as the publisher of International Living, a monthly print magazine devoted to travel, news, investment, and retirement. During the ensuing thirty-five years, Agora's publications expanded as "a marketplace for ideas," providing financial, health, travel and special interest books and newsletters to tens of thousands of subscribers.

9. Agora Financial, LLC, a subsidiary of Agora, has 14 publications ranging from natural resource to penny stock recommendations. It operates a web presence at [www.agorafinancial.com](http://www.agorafinancial.com). It regularly hosts financial symposia and provides solutions to economic challenges through its Agora Research Group division.

10. Agora Financial publishes an email newsletter called the Daily Resource Hunter. The Daily Resource Hunter provides research on precious metals, commodities, and energy, including market news, commentary, analysis, and investment ideas.

11. On December 8, 2009, Agora obtained a registration in the United States Patent and Trademark Office (“USPTO”) of its trademark AGORA, U.S. Reg. No. 3721757, for use in connection with “publishing of books, newsletters and electronic publications featuring information about investment, health, retirement, travel, economics and polities.” The registration is based on first use of AGORA on January 31, 1979. A copy of the Registration is attached hereto and made a part hereof as Exhibit A.

12. On April 7, 2004, an Agora subsidiary, Publishing Services LLC, registered the domain name <agorafinancial.com> for use by Agora Financial in connection with providing its goods and services.

13. Agora has maintained consistent use in interstate commerce of its AGORA mark for more than thirty-five (35) years. It has invested significant resources into building the AGORA and AGORA FINANCIAL brands for its print and online newsletters, books, and related publications, and it is entitled to benefit from the recognition and goodwill associated with the exclusive use of its marks.

14. On June 13, 2014, Agora discovered Defendant’s use of “Agora Commodities” in connection with commodities sales and trading, storage, and providing financial information on its website located at <agoracommodities.com>. Defendant’s website purports to be a full-service bullion dealer web that trades in precious metals, contracts on behalf of its customers for precious metal storage, and provides articles, posts, and blogs concerning finance, currency, and investment advice.

15. Agora sent a letter to Defendant requesting that it cease all use of the term AGORA in connection with providing financial services and information. A copy of that letter is attached hereto and made a part hereof as Exhibit B.

16. In response to Agora's letter, Joseph Castillo, Defendant's principal, acknowledged receipt via voicemail to Agora's counsel.

17. On or about August 4, 2014, Joseph Castillo filed an application in the USPTO to register AGORA COMMODITIES, U.S. Ser. No. 86356795, based on first use on June 6, 2013.

18. On October 2, 2014, Agora's counsel contacted Defendant by email requesting a response to Agora's June 13, 2014, letter. No such response has been received.

**COUNT I**

**(Trademark Infringement)**

19. Agora restates and incorporates by reference as if fully set forth the allegations of paragraphs 1 through 18, inclusive.

20. Defendant is marketing and selling financial services under the name AGORA COMMODITIES. The term AGORA is identical in sight, sound, and commercial meaning to Plaintiff's registered and long-standing use of its AGORA mark.

21. Defendant's services are identical to or highly related to the goods and services provided by Agora.

22. Defendant markets and provides its services in the same channels of trade and to the same consumers as does Agora. Consumers who use the Internet to view information sources for investment and financial information are likely to view the sites at <agorafinancial.com> and <agoracommodities.com>.

23. Defendant's use of AGORA COMMODITIES for its financial services is likely to cause confusion, mistake, or deception in the minds of the public as to the source of those services.

24. Defendant's use of AGORA COMMODITIES infringes on Agora's right to exclusive use of its AGORA registered mark in connection with providing financial information, in violation of 15 U.S.C. §§ 1114.

**COUNT II**

**(Unfair Competition)**

25. Agora restates and incorporates by reference as if fully set forth the allegations of paragraphs 1 through 24, inclusive.

26. Defendant's use of AGORA COMMODITIES infringes on Agora's right to exclusive use of its AGORA FINANCIAL mark in connection with providing financial information, in violation of 15 U.S.C. §§ 1125.

WHEREFORE, Agora prays that this Court enter an order granting the following relief:

- A. A preliminary and permanent injunction against Defendant's use of the term AGORA and the domain name <agoracommodities.com> in connection with financial services;
- B. An award of damages against Defendant for trademark infringement in the amount of the revenues received by Defendant in connection with providing its services under the name "Agora Commodities";
- C. An award of reasonable attorneys' fees and costs for this action; and
- D. Such other and further relief as this Court deems just and proper.

**SAUL EWING LLP**

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October 15, 2014

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